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Possible Amendments to the FY05 Homeland Security Appropriations Act (H.R. 4567)

The following are potential amendments. Under an open rule, new amendments may be offered without notice.

Rep. Tancredo. The amendment stipulates that none of the funds in the act may be made available to any state or local governments who refuse to share information with U.S. Immigration and Customs Officials as required by the Illegal Immigration Reform and Immigrant Responsibility of 1996 8 USC 1373 (a). According to his Dear Colleague, “the refusal of these local governments to share information with federal immigration authorities often results in local law enforcement arresting, and then releasing criminal aliens – who may then move on to commit crimes in other parts of the country rather than being deported. *The Washington Times*, for example, reported in June of last year that in, ‘[a] December rape of a woman in [New York,] four of the five men charged in the case were illegal immigrants and three had prior convictions that, in keeping with federal law, would have allowed their deportation.’ [Yet], New York City’s sanctuary policy prevented that from happening.”

This amendment is identical to an amendment that was offered by Mr. Tancredo last year to both the DHS appropriations bill (link to: [Roll no. 309](#)), and the Commerce, Justice, State appropriations bill (link to: [Roll no. 409](#)).

Rep. Tancredo. The amendment stipulates that none of the funds in the act may be made available to any state government that has enacted legislation allowing persons *not legally present* in the United States to obtain driver's licenses. According to Rep. Tancredo’s Dear Colleague, “states that enact legislation which enable totally unverifiable and illegal aliens to obtain official state identification jeopardize Americans nationwide. Drivers licenses do not only enable illegal aliens to drive, but also to obtain identification cards in other states, fraudulently register to vote, and board airliners. They are, in effect, domestic passports.”

Rep. Roybal-Allard. Inserts the following at the end of the bill:

”SEC. ___. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are Immigration Officers, Contact Representatives, or Investigative Assistants.”

According to his Dear Colleague, the amendment is intended to stop the Bureau of Citizenship and Immigration Services at the Department of Homeland Security (DHS) from moving forward with an A-76 review to contract out nearly 1,400 immigration officers.

Rep. Sweeney. The amendment would increase high-threat, high-density grants for Urban Areas Security Initiative (UASI) by \$450 million for a total of \$1.45 billion (up from the current \$1 billion in the bill). The current bill level is \$229 million above the FY04 funded level, which is a 29.7% increase. Passage of the Sweeney Amendment would increase the program by 88% over FY04 funding. (According to the Committee report, the President's request was \$1.3 billion). The amendment shifts the funds from the overall state and local programs account allocation.

Rep. Sweeney. The amendment would change the formula for distribution of the Formula-Based Grants so they are distributed “on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences”

Rep. Sweeney. The amendment is a combination of Rep. Sweeney’s two amendments detailed above, increasing urban grants by \$450 million and changing the formula to have grants distributed on the assessment of the risk of terrorism.

Rep. Manzullo. The amendment makes the provisions of the "Berry Amendment" applicable to the Department of Homeland Security. Presently, the "Berry Amendment" applies only to the Department of Defense (DOD) procurements and requires, with exception, that certain listed articles and items purchased by DOD be grown, reprocessed, reused, or produced in the United States.

Rep. DeFazio. The amendment would **strike** the following provision in Title II relating to the Transportation Security Administration’s Aviation Security:

“That none of the funds in this Act shall be used to recruit or hire personnel in the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.”

In other words the DeFazio amendment would allow TSA to exceed 45,000 full-time screeners.

Rep. Maloney. The amendment reduces the funds from the overall state and local programs account allocation to increase by \$446 million law enforcement terrorism prevention grants (authorized under section 1014 of the PATRIOT Act) from the current \$500 million to a total of \$946 million. The President's request was for \$500 million, which is \$2.95 million above FY04 funding.

Rep. Maloney. The amendment adds to the end of the bill the following:

“SEC. ___. None of the funds made available in title III for discretionary grants for use in high-threat, high density urban areas and for rail and transit security, under the heading "Office for State and Local Government Coordination and Preparedness—State and local programs", may be used for more than 80 grants.”

In the bill, there is currently \$1 billion for these high-density urban grants, so if the 80 grants were of equal amounts, the effect of the Maloney grant would be to make each grant \$12.5 million. There is currently no limitation on the number of grants that may be awarded through this program.

Rep. Markey. The amendment adds to the end of the bill the following:

“SEC. ___. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.”

Reps. Simmons/LoBiondo. The amendment would increase by \$18.5 million the following Coast Guard expenses, which are at \$936.6 million in the bill, thus bringing the total to \$955 million for:

“acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment”

The bill offsets the increase with an \$18.5 million decrease in the Homeland Security science and technology R&D account.
